

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES ROBINSON, individually and on
behalf of others similarly situated,

Plaintiff,

v.

DISNEY ONLINE D/B/A DISNEY
INTERACTIVE,

Defendant.

ECF

Civil Action No. 1-14-CV-4146 (RA)(DCF)

DEFENDANT'S NOTICE OF MOTION TO DISMISS WITH PREJUDICE

PLEASE TAKE NOTICE that, upon the annexed Declaration of Bryan H. Heckenlively, Esq., dated September 12, 2014, along with the exhibits annexed thereto, the accompanying Memorandum of Law, dated September 12, 2014, any reply papers and oral argument, and upon all prior pleadings and proceedings heretofore had herein, Defendant Disney Online d/b/a Disney Interactive ("Disney Interactive") moves this Court, before the Hon. Ronnie Abrams, U.S.D.J., in Courtroom 1506 at the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York 10007, for an order, pursuant to Fed. R. Civ. Proc. 12(b)(6), dismissing the First Amended Complaint of plaintiff James Robinson with prejudice for failure to state a claim upon which relief can be granted because plaintiff has not sufficiently plead that Disney Interactive disclosed any information that constitutes personally identifiable information under the Video Privacy Protection Act ("VPPA") or that plaintiff is a "consumer" under the VPPA, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
September 12, 2014

MUNGER, TOLLES & OLSON LLP

By: s/ Glenn D. Pomerantz

Glenn D. Pomerantz
355 South Grand Avenue
Thirty-Fifth Floor
Los Angeles, CA 90071
Telephone: 213-683-9100
Email: glenn.pomerantz@mto.com

Rosemarie T. Ring
Email: rose.ring@mto.com
Jonathan H. Blavin
Email: jonathan.blavin@mto.com
Bryan H. Heckenlively
Email: bryan.heckenlively@mto.com
560 Mission Street
Twenty-Seventh Floor
San Francisco, CA 94105
Telephone: 415-512-4000

Admitted Pro Hac Vice

-and-

SCHWARTZ & THOMASHOWER LLP

Rachel Schwartz
15 Maiden Lane, Suite 705
New York, NY 10038-5120
Tel: 212-227-4300
Email: rschwartz@stillplaw.com

Attorneys for Defendant
DISNEY ONLINE D/B/A DISNEY
INTERACTIVE